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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/775,200

02/11/2004

Tonny Chen

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1633

7590

11/10/2005

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EXAMINER

EDWARDS, ANTHONY Q

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EK

Office Action Summary	Application No.	Applicant(s)	
	10/775,200	CHEN, TONNY	
	Examiner	Art Unit	
	Anthony Q. Edwards	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6-8 and 11-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 9 and 10 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent Application Publication No. US2002/0101117 to Shibuya. Referring to claim 1, Shibuya discloses a mechanical and automatic liquid crystal display device (see Figs. 1-3) comprising a case (11), an extendable deck (23), a coupling mechanism (22), a display panel holding mechanism (10) and an upward folding adjustment device (31), wherein the case is hollow and has a window (6) and a first channeling mechanism (23b) and a second channeling mechanism (23b) located respectively on two sides corresponding to each other to guide the extendable deck to retract inward or extend outwards at desired locations (see Figs. 5-8), the extendable deck (23) has a front side pivotally engaged with the display panel holding mechanism (i.e., at 23c) and is coupled with the first channeling mechanism and the second channeling mechanism for positioning, the coupling mechanism (22) is located on one side of the extendable deck to control folding, latching and releasing of the display panel holding mechanism (see Fig. 3 and paragraph 0068), the display panel holding mechanism (10) has a panel to hold a LCD panel (10a), and the upward folding adjustment

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device (31) is located in the display panel holding mechanism (i.e., at 31a) and connected to the extendable deck (i.e., via groove 33) and has an upward folding actuation assembly (33b) guiding the display panel holding mechanism for folding upwards and storing (see Figs. 3, 8 and 9), the upward folding adjustment device (31) selectively adjusting the display panel holding mechanism (10) to one of a plurality of turning elevation angles (i.e., wherein “one of a plurality” would include either vertical or horizontal) and returning the display panel holding mechanism to a previously selected turning elevation angle selected from the plurality of turning elevation angles (i.e., back to the vertical or horizontal position), wherein the LCD panel is foldable upwards and storable in the case. See Figs. 8A-9A and the corresponding specification.

Referring to claim 5, Shibuya discloses a mechanical and automatic liquid crystal display device as claimed, wherein the upward folding adjustment device (31) includes an angle adjustment assembly (32) returning the display panel holding mechanism to the previously selected turning elevation angle. See Figs. 8A-9A.

Referring to claim 9, Shibuya discloses a mechanical and automatic liquid crystal display device as claimed, wherein the coupling mechanism (22) includes a partition (34c), a first hub (43a) and a second hub (41). See fig. 3 and the corresponding specification.

Referring to claim 10, Shibuya discloses a mechanical and automatic liquid crystal display device as claimed, wherein the partition (34c) is located above the extendable deck (see Fig. 3) having a torsional spring housing zone (not numbered) and the notch (lower portion of 34c) one side and two axle holding docks extended from two ends thereof (32 and 35, respectively) adjacent to the notch. See Fig. 3 and the corresponding specification.

Allowable Subject Matter

Claims 2-4, 6-8, 11-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: regarding claim 2, the specific details of the upward folding actuation assembly including two dampers, two sliding members, and an elevation angle push plate, in combination with the rest of the elements, is not taught or otherwise disclosed in the prior art references. Claims 3 and 4 depend, either directly or indirectly, from claim 2 and are therefore allowable for at least the same reasons.

Referring to claim 6, the specific details of the angle adjustment assembly further including an anchor member, an anchor push button and an anchor plate, in combination with the rest of the elements, is not taught or otherwise disclosed in the prior art references. Claims 7 and 8 depend, either directly or indirectly, from claim 6 and are therefore allowable for at least the same reasons.

Referring to claim 11, the specific details of the first hub being hollow for housing an axle and having a hook on one side that has a slant surface and a projection on another side, with the projection having a trough on a rear side thereof, in combination with the rest of the elements, is not taught or otherwise disclosed in the prior art references.

Referring to claim 12, the specific details of the second hub being hollow for housing an axle and having a lug on one side corresponding to a trough formed on a projection of the first hub and a L-shaped strut extended outwards from another side, and a slant bucking block on

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another side opposite to the L-shaped strut, in combination with the rest of the elements, is not taught or otherwise disclosed in the prior art references.

Referring to claim 13, the specific details of the first channeling mechanism having a first elevation sustaining plate and a sliding rod coupled on a sliding block, in combination with the rest of the elements, is not taught or otherwise disclosed in the prior art references. Claim 14 depends from claim 13 and is therefore allowable for at least the same reasons.

Referring to claim 15, the specific details of the second channeling mechanism having a second elevation sustaining plate and a gear rack, in combination with the rest of the elements, is not taught or otherwise disclosed in the prior art references. Claim 16 depends from claim 15 and is therefore allowable for at least the same reasons.

Response to Arguments

Applicant's arguments filed July 22, 2005 have been fully considered but they are not persuasive. In response to applicant's argument that "Shibuya relies on electricity to extend and retract the face, unlike the present invention which does not require electricity," it is noted that the features upon which applicant relies (i.e., an apparent lack of electrical power to extend and retract the face) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. As mentioned in the above

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rejection to the claims, Shibuya does teach providing an upward folding adjustment device (31) selectively adjusting the display panel holding mechanism (10) to one of a plurality of turning elevation angles and returning the display panel holding mechanism to a previously selected turning elevation angle selected from the plurality of turning elevation angles, since one of a plurality of angles would include either the vertical or horizontal position.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 3, 2005
aqe

MICHAEL DATSKOVSKIY
PRIMARY EXAMINER

Michael Datskovskiy 11/03/05